

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Randall Kruse,

Civil File No. 05-154 (RHK/JSM)

Plaintiff,

ORDER

vs.

Johnson Crushing, Incorporated, a
Minnesota corporation,

Defendant.

Defendant has filed timely Objections to the August 31, 2005 Report and
Recommendation of Magistrate Judge Janie S. Mayeron, in which Judge Mayeron has
recommended that Defendant's Motion to Dismiss be denied.

The Court has conducted the required de novo review of the objected to portions
of the Report and Recommendation and has been furnished with written submissions in
support of, and in opposition, to Defendant's Objections. That review satisfies the
undersigned that Judge Mayeron's recommended disposition is correct and should be
adopted. Her Report and Recommendation is thorough and well reasoned, and is amply
supported by controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**
ORDERED:

1. The Objections (Doc. No. 16) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 15) is **ADOPTED**; and
3. Defendant's Motion to Dismiss (Doc. No. 2) is **DENIED**.

Dated: September 27, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge